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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,839	10/11/2001	Andrew Egendorf	7178-207	4483

7590

07/31/2002

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/975,839

Applicant(s)  
Egendorf

Examiner  
Daniel Felten

Art Unit  
3624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 1, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31-45 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 6) ☐ Other:

**DETAILED ACTION**

- 1
- 2 1. Receipt of the Terminal Disclaimer filed May 1, 2002 is acknowledged. Claims 31-45
- 3 are remain pending in the application and are presented to examined upon their merits.

4

5 *Claim Rejections - 35 USC § 103*

6

- 7 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
- 8 obviousness rejections set forth in this Office action:

9

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth

11 in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

12 art are such that the subject matter as a whole would have been obvious at the time the invention was made

13 to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be

14 negated by the manner in which the invention was made.

15

- 16 3. Claims 31-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egendorf
- 17 (US 5,446,489) in view of Adams (US 3,573,747).
- 18

19 Egendorf discloses a cable television billing method over duplex transmission line for a

20 plurality of customers and plurality of vendors of products or services for transactions over the

21 Internet between a plurality of vendors of products or services for transactions over the

22 Internet between a purchasing customer, of the plurality of customers and a selling vendor of

23 the plurality of vendors, wherein, for each purchase transaction between the purchasing

24 customer and the selling vendor, a first amount is charged to the purchasing customer and the

1 selling vendor, a first amount is charged to the purchasing customer and a second amount is  
2 remitted to the selling vendor, the method comprising the steps by a third party to the purchase  
3 transaction of:

4 (a) establishing a billing agreement with the purchasing customer to permit the third  
5 party to charge the purchasing customer and to remit a selling vendor for a purchase  
6 transaction;

7 (b) establishing a remitting agreement with the purchasing customer to permit the third  
8 party to charge the purchasing customer and to remit to a selling vendor for a purchase  
9 transaction;

10 (c) receiving authorization over the Internet from the purchasing customer to charge  
11 the first amount to the purchasing customer without previously receiving a request from the  
12 selling vendor to charge the first amount to the purchasing customer;

13 (d) charging the first amount to the purchasing customer in accordance with the billing  
14 agreement; and

15 (e) remitting the second amount to the selling vendor in accordance with the remitting  
16 agreement (see Egendorf, col. 1, ll. 27 to col. 2, ll. 51).

17 Egendorf fails to disclose the billing method is a Internet billing method. Adams  
18 discloses an Instinet communication system (or Internet) for the sale or exchange of fungible  
19 properties. It would have been obvious for an artisan of ordinary skill at the time of the  
20 invention of Egendorf to substitute the Instinet system of Adams for the duplex transmission

1 line network of Egendorf, because an artisan would have recognized both networks as art  
2 recognized equivalents. Both systems are designed to transmit input data (via keyboard,  
3 monitor) through a communications link onto a network to provide remote communications  
4 and other services to a plurality of customers (see Adams, col. 2, ll. 44 to col. 3, ll. 23). Thus  
5 the substitution of the Instinet network for the duplex transmission line network disclosed in  
6 Egendorf's invention would have provided an alternative means of remote communication  
7 between the communication units and the central office. Thus such a modification would have  
8 constituted a matter of design choice well within the ordinary skill in the art.

9  
10  
11 **Conclusion**

12  
13 4. Any inquiry concerning this communication or earlier communications from the examiner  
14 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The  
15 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.  
16 Any inquiry of a general nature relating to the status of this application or its proceedings should  
17 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
18 **Vincent Millin** whose telephone number is (703) 308-1065.

19  
20 5. Response to this action should be mailed to:  
21

1 Washington, D.C. 20231

2  
3 for formal communications intended for entry, or (703) 305-0040, for informal or draft  
4 communications, please label "Proposed" or "Draft".

5 Communications via Internet e-mail regarding this application, other than those under 35  
6 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
7 addressed to [daniel.felten@uspto.gov].  
8

9 All Internet e-mail communications will be made of record in the application file. PTO  
10 employees do not engage in Internet communications where there exists a possibility that  
11 sensitive information could be identified or exchanged unless the record includes a properly  
12 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly  
13 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
14 Trademark on February 25, 1997 at 1 195 OG 89.  
15

16 

17 DSF

18 July 16, 2002

  
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600